

March 26, 2008
Newburgh Town Council Minutes

The Newburgh Town Council met in Executive Session on Wednesday, March 26, 2008, at 4:30p.m. Those present were Anne Rust Aurand, Eric Ellsperman, Bill Kavanaugh, Alonzo Moore, Shari Sherman, Becky Gentry, Cynthia Burger, and Tom Bodkin. The purpose of the meeting was discussion of personnel issues and was held in accordance with Indiana Code 5-14-1.5-6.

CALL TO ORDER

The Regular Session was called to order at 5:40p.m. by President Kavanaugh.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for Paul Eddie Morris, Virgil Kuebler, Jr., Ruby Barton, Eugene Lang, and Dick McKee.

ROLL CALL

Those present at the Regular Session were Anne Rust Aurand, Eric Ellsperman, Bill Kavanaugh, Alonzo Moore, Shari Sherman, Becky Gentry, Cynthia Burger, and Tom Bodkin.

APPROVAL OF MINUTES

MOTION by Ms. Sherman to approve the March 12, 2008, minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

COMMISSION REPORTS

AIR BOARD ~ Eric Ellsperman

No report.

FIRE ~ Alonzo Moore

Mr. Moore reported that the committee continues to work on the contract for fire protection with the Ohio Township Trustee.

PARK ~ Eric Ellsperman

Mr. Hynes reported that the Lock & Dam bank was slipping primarily because of the heavy rainfall. He provided a proposal from Alt & Witzig Engineering, Inc. to investigate and evaluate the bank repair (see attached). He added it was not possible to estimate the cost of the actual repair.

MOTION by Ms. Sherman to enter into an agreement with Alt & Witzig to investigate the landslide at the old Lock & Dam in an amount not to exceed \$8,000.00.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

PLAN ~ Anne Rust Aurand

Mr. Hijuelos reported that the request to rezone 5455 Highway 261 was tabled during the March 3, 2008, meeting. Since that time the two (2) opposing neighbors agreed to support the request with certain restrictions. The request will be brought before the Plan Commission on April 7, 2008, for consideration. Mr. Bodkin added that the use and development commitment must be attached to the proposed ordinance. The matter will then be brought before the council.

Discussion regarding the use of banners as permanent signs was held and clarified.

POLICE ~ Bill Kavanaugh

Asst. Chief Williams reported that members of the Warrick County Sheriff's Department and the Newburgh Police Department will be attending driving simulation training.

Application has been made to obtain grant funding for the Bullet Proof Vest Program.

STREET ~ Alonzo Moore

A retirement open house luncheon will be held for John Fischer on April 1, 2008, from 11:30a.m. til 1:00p.m.

Maintenance is being completed on the snow and salt spreaders. Approximately twenty (20) tons of rock has been hauled to "Shirley's Wall" (Lock & Dam park) site. Seventy-four (74) feet of twelve (12) inch pipe has been installed at Windsor Pointe. The crew has also hauled fill to Copper Creek to repair the ground of an uprooted tree.

UTILITY ~ Shari Sherman

Ms. Sherman thanked all those who worked so diligently to keep the plant running during the recent 6.8 inch rainfall.

STANDING COMMITTEES

FINANCE ~ Anne Rust Aurand

No report.

PERSONNEL ~ Bill Kavanaugh

MOTION by Mr. Kavanaugh to hire Cindy Staples as the Sewer Office Accounts Payable Clerk at an hourly rate of \$12.00 with full employee benefits pending a negative drug screen. Start date is April 1, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to promote Russell Powell to the Waste Water Treatment Facility Plant Supervisor at an hourly rate of \$19.60 with full employee benefits. Start date is March 31, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to promote Heath Dill to the Waste Water Treatment Facility Laboratory Supervisor at an hourly rate of \$18.76 with full employee benefits. Start date is March 31, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to promote Mike Burch to Waste Water Collection System Pump Station O & M Specialist at an hourly rate of \$15.00 with full employee benefits. Start date is March 31, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

The above three (3) employees, Russell Powell, Heath Dill, and Mike Burch have had pre-employment drug screens and will not be required to retest.

MOTION by Mr. Kavanaugh to hire Kyle Underhill as a temporary employee as defined by the Town of Newburgh Personnel Policy at the Waste Water Treatment Facility at an hourly rate of \$7.75 pending a negative drug screen. Start date is May 12, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Michael Nalin as a temporary employee as defined by the Town of Newburgh Personnel Policy at the Waste Water Treatment Facility at an hourly rate of \$7.25 pending a negative drug screen. Start date is May 12, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Adam Underhill as a temporary employee as defined by the Town of Newburgh Personnel Policy at the Street Department at an hourly rate of \$8.25 pending a negative drug screen. Start date is May 12, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Beth White as a temporary employee as defined by the Town of Newburgh Personnel Policy in the Building Maintenance and Park Department at an hourly rate of \$7.25 pending a negative drug screen. Start date is May 27, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Joshua Lee as a temporary employee as defined by the Town of Newburgh Personnel Policy in the Building Maintenance and Park Department at an hourly rate of 47.25 pending a negative drug screen. Start date is April 7, 2008.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

ARTS PAVILION ~ Eric Ellsperman

No report.

HISTORIC PRESERVATION ~ Alonzo Moore

No report.

PRESERVATION HALL ~ Anne Rust Aurand

An Open House will be held on April 20, 2008, from 1:00p.m. until 3:00p.m.

Invitations will be mailed this week.

RIVERTOWN TRAIL ~ Eric Ellsperman

Mr. Ellsperman stated parcels 2 & 3 are in the process of being secured as offers have been accepted. Right-of-way authorizations have been signed in order for borings to be completed for the historic bridge.

STORM WATER ~ Anne Rust Aurand

Permits from IDEM and the Army Corps of Engineers are needed before work can begin on Phase I and II in Forest Park.

The board approved the plans submitted by Barrington Development to mitigate an erosion problem occurring at the drainage ditch at Copper Creek Blvd. and Ellington Court.

Easements will soon be executed for the Fourth and Monroe project.

Mr. Hijuelos referenced the heavy rain during the past week and reported no evidence of water/flooding problems in the Windsor Pointe/Maple Lane/Forest Park areas. He added that work at the retention pond (cleaning and digging) have helped resolve the problem. Ms. Sherman stated water continues to accumulate on Treelane in Forest Park.

VETERANS MONUMENT ~ Shari Sherman

Work will resume on the monument as soon as the weather permits.

CLERK-TREASURER ~ Becky Gentry

No report.

DIRECTOR OF PLANNING & DEVELOPMENT ~ Frank Hijuelos

Mr. Hijuelos recently attended a workshop hosted by SIBA (Southern Indiana Builders Association). The workshop reviewed all the amendments to the building code that will go into effect on April 5, 2008.

Three (3) properties have recently been reviewed: Gray and State, Monroe and Third, and the Jefferson Street School. Mr. Hijuelos suggested a letter be sent to Mr. Phillips (Gray & State property owner) and Mr. Williams (Monroe & Third property owner) encouraging that the properties be repaired or torn down. Misty Fraser has agreed to reinstall the fence around the Jefferson Street School as soon as she returns to town.

April is earthquake awareness month. A tabletop exercise will be held on April 30, 2008, from 10:a.m. until 12noon at the Newburgh Town Hall. This is one of the requirements by Homeland Security to be eligible for federal funding.

Because of the damage to the old Lock & Dam property and the extra equipment and man hours necessary to keep the Waste Water Treatment Facility operating during the heavy rainfall, the town can apply for federal assistance.

MOTION by Ms. Sherman that the Town of Newburgh declare a state of emergency.

SECOND by Mr. Moore.

DISCUSSION: Declaring a state of emergency is a requirement in order to receive federal funding through the state. Departments are preparing cost estimates/assessments for extra expenses because of the rain event.

MOTION carried ayes 5, nays 0.

TOWN ATTORNEY ~ Tom Bodkin

Mr. Bodkin suggested the Council investigate the selling of EDIT bonds to complete several projects including the following:

Lock & Dam Park ~ repair slippage that occurred during a recent rain event

Lock & Dam Park ~ electrical repair

East & West Lockmaster houses ~ repair/remodeling

Repair and construction of sidewalks

Rivertown Trail expenses

MOTION by Ms. Sherman to move forward on the sale of EDIT bonds for items that are on the current capital improvement plan.

SECOND by Ms. Aurand.

DISCUSSION: Ms. Sherman stressed the need to prioritize the projects.

MOTION carried ayes 5, nays 0.

TOWN ENGINEER ~ David Hynes

Significant progress has been made on "Shirley's Wall" with no notable damage occurring during the rainfall.

Mr. Hynes stated a pre-construction meeting will be held in Vincennes on April 3, 2008, for phase II of the SR 66 project.

Easements are being acquired for the Blue Lake Lift Station project. A pre-bid meeting is scheduled for March 27, 2008. Mr. Bodkin stated that affected property owners have been advised the Council has authorized condemnation, if necessary, to keep the project moving forward.

TOWN MANAGER ~ Cynthia Burger

The 2010 census update has been submitted. A total of one hundred thirty-three (133) households were added to the census.

Warrick County School Corporation has submitted a grant application to the Welborn Foundation for sidewalk construction in coordination with the Town's Safe Routes to School program.

Evansville MPO is in the process of reviewing the utility pole/site issues at Monroe and Jennings.

Highway 662 east from Old Stone House Estates to SR 66 is closed due to a breach in the road. Ms. Burger stated Warrick County Commissioner Phil Baxter indicated the road will be closed for a lengthy time.

The trolley is in need of additional repairs (exhaust system, muffler, and numerous air leaks).

MOTION by Ms. Sherman to approve \$5,500.00 to cover the expenses of additional repairs.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to renew the commercial insurance policy with St. Paul's Travelers (liability), Cincinnati Ins. (property) in the amount of \$145,185.00.

SECOND by Mr. Ellsperman.

DISCUSSION: This amount reflects \$448.00 increase over 2007.

MOTION carried ayes 5, nays 0.

UNFINISHED BUSINESS

1. Ordinance 2008-01 ~ Vacation of a Public Way or Alley...tabled March 12, 2008
The petitioner, Robert Griffin, requested this item remained tabled until April 23, 2008.

NEW BUSINESS

1. Ohio Township Trustee ~ Fire Contract Extension
MOTION by Mr. Moore to extend the contract for thirty (30) days.
SECOND by Ms. Sherman.
DISCUSSION: The fire protection contract is still in negotiation.
MOTION carried ayes 5, nays 0.

2. IDEM Application for Blue Lake Lift Station Force Main
MOTION by Ms. Sherman to issue the construction permit for Blue Lake.
SECOND by Mr. Ellsperman.
DISCUSSION: Mr. Hynes stated the Town of Newburgh is required to obtain this permit from IDEM.
MOTION carried ayes 5, nays 0.

3. Partial Payment Application No. 1 ~ Old Lock & Dam Retaining Wall
MOTION by Ms. Sherman to approve pay application no. 1 in the amount of \$19,672.50 (\$983.63 to escrow and \$18,688.88 to Republic Companies).
SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Mr. Moore stated the Civil War Cannon will be rededicated on April 5, 2008, at 1:30p.m. The ceremony will be held at Rose Hill Cemetery

The Senior Citizen Center will be hosting a celebration honoring Sylvia Smith for twenty-five (25) years of service to the community. The event will be held on March 31, 2008, at 12:30p.m.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

On behalf of Historic Newburgh, Inc., Byron Sherman, Nancy Lybarger, Lou Dennis, and Bill Byers, presented donations for electrical repairs at the old Lock & Dam and repairs to the trolley.

MOTION by Ms. Sherman to accept a \$10,600.00 donation (\$7,000.00 for electrical expenses and \$3,600.00 for trolley expenses) from HNI.

SECOND by Ms. Aurand.

DISCUSSION:

MOTION carried ayes 5, nays 0.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that all claims, properly signed and including any sewer adjustments be paid in the following amounts:

Civil Town ~ \$90,100.38

Sewer ~ \$416,040.34

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

ADJOURNMENT

MOTION by Ms. Sherman to adjourn.

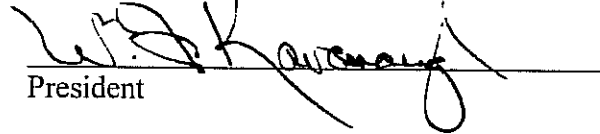
SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

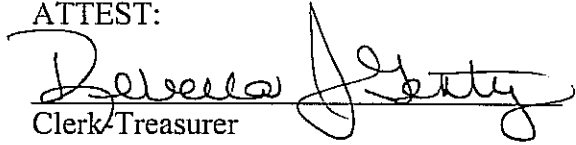
APPROVED this 9th day of April.

Newburgh Town Council

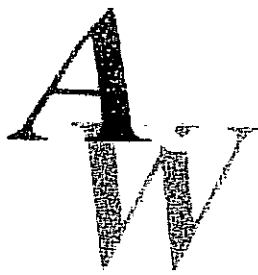


President

ATTEST:



Clerk/Treasurer



Alt & Witzig Engineering, Inc.

2715 W. Glenview Drive • Evansville, Indiana 47701
Office (812) 422-4446 • Fax (812) 422-8377

March 25, 2008

Commonwealth Engineers, Inc.
101 Plaza East Blvd., Suite 200
Evansville, Indiana 47715
ATTN: Mr. David Hynes

RE: Subsurface Investigation &
Evaluation
Old Lock and Dam Park
Newburgh, Indiana

Gentleman:

In compliance with your recent request, the following proposal is submitted for the investigation of the landslide occurring at the Old Lock and Dam Park in Newburgh, Indiana.

Field investigations to determine the cause of the landslide and possible repair methods will include a reconnaissance of the project site, drilling soil borings, performing standard penetration tests and obtaining samples of the soil retained in the split-spoon sampler in accordance with ASTM Procedure D-1586. Also, several pressed Shelby-Tubes will be taken for additional laboratory analysis.

Our subsurface investigation will include the following:

- Determination of the subsurface soil, rock, and groundwater conditions at the site.
- Analysis of the landslide area and recommendations for stabilizing the slopes as required.

Scope

As requested, we will investigate the subsurface soil and groundwater conditions at the site by drilling exploratory test borings. Six (6) borings extended to bedrock, estimated to be within thirty (30) feet below grade, should be sufficient for our investigation.

Total estimated footage will be on the order of 180 feet.

In addition to the borings an inclinometer will also be installed in the hillside, the inclinometers will provide direct data on the location of the failure plane. The actual number and depth of the test borings will be dependent upon the soil conditions encountered as the drilling progresses. Water level observations will be made during, upon completion, and 1 to several days after completion of the boring operations. These readings will be noted on the boring logs.

Laboratory Investigation

In addition to the field investigations, a supplemental laboratory investigation will be conducted to ascertain additional pertinent engineering characteristics of the foundation materials necessary in analyzing the behavior of the proposed structures. All phases of the laboratory investigation will be conducted in accordance with applicable ASTM Specifications.

The laboratory-testing program will include supplementary visual classification on all samples and will include the following testing program:

- Samples of the cohesive soil will be frequently tested in unconfined compression by use of a calibrated spring testing machine.
- In addition, a calibrated soil Penetrometer will be used as an aid in determining the strength of the soil.
- Moisture content tests will be performed in accordance with ASTM D2216.
- If deemed necessary Particle Size Analysis tests will be performed in accordance with ASTM D422. In addition, Atterberg Limit tests will be performed in accordance with ASTM D4318 to determine the classification and physical properties of the soil in accordance with ASTM D2487.
- The Pressed Shelby-Tubes will be used for Tri-axial testing to better determine the properties of the soil used for our slope stability analysis.

The results of our field exploration and laboratory testing would be utilized in performing an engineering analysis in the formulation of our recommendations. The results of our foundation investigation, including our recommendations and substantiating data, will be presented in a written report prepared by a registered professional engineer.

Estimated Charges for Investigation

It is proposed that our fee for the performance of the above outlined investigation is determined by the following estimated charges:

<i>Mobilization of Personnel & Equipment</i>	\$ 350.00
<i>Field Services</i>	\$ 2,100.00
<i>(including drilling of necessary soil borings and sampling (ASTM D1586 and D1587), standard penetration tests, and bag sampling where necessary)</i>	
<i>Additional Field Services</i>	\$ 1,500.00
<i>(Placement of one inclinometer and initial reading)</i>	
<i>Laboratory Testing</i>	\$ 800.00
<i>(including water content determination, Standard Proctor tests, unconfined compression test, and other tests as needed)</i>	
<i>Engineering Services</i>	\$ 1,000.00
<i>(for site reconnaissance, engineering analysis, foundation recommendations, and preparing a written report)</i>	
<i>Additional Engineering Services \$800.00/reading</i>	\$ 1,600.00
<i>(for 2 additional readings of the inclinometer and interpretation of the data for our report)</i>	

Estimated charges will be on the order of \$7,350.00.

Any additional work approved and performed will be invoiced in accordance with the attached "Schedule of Fees and Services".

It is anticipated that we could begin field operations within four (4) to five (5) working days (*weather permitting*) after receiving notice to proceed. This will allow for clearing of the utilities through the Underground Protection Service and layout of the borings. Field operations will take approximately three (3) days to complete. The final report will follow approximately two (2) weeks after the notice to proceed.

In addition a survey including our borings will be required to complete our investigation. It is anticipated that Commonwealth would complete this.

Commonwealth Engineers, Inc.
Old Lock and Dam Park Landslide
March 25, 2008
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Thank you for this opportunity to offer our services. We look forward to working with you on this project.

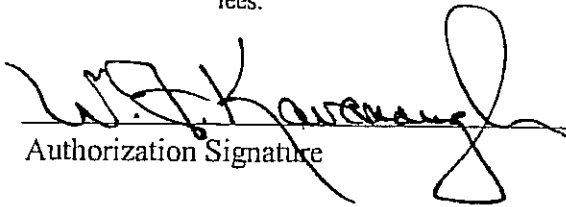
Respectfully Submitted,

ALT & WITZIG ENGINEERING, INC.



Robert Smith, P.E.
Project Engineer

Terms of payment are Net 30 Days. Balances over 30 days bear interest at 1-1/2% per month. In the event Alt & Witzig Engineering, Inc. is required to employ an attorney to collect any balances due, I agree to pay reasonable costs and attorney fees.



Authorization Signature

-March 26, 2008

Date

Wm. F. Kavanaugh

Name (Printed)

Town of Newburgh

Company

Pres.

Title

ALT & WITZIG ENGINEERING, INC
SCHEDULE OF SERVICES & FEES- SOILS INVESTIGATION

JANUARY, 2008

Engineering		
	Unit Rate	Cost
Principal Engineer	per hour	\$120.00
Project Engineer	per hour	\$90.00
Staff Engineer	per hour	\$75.00
Engineer Technician	per hour	\$42.00
Transportation	per mile	\$.47
Per Diem	per night	\$70.00

Field Services		
	Unit Rate	Cost
Mobilization and moving of men and equipment on & off site	per mile	\$ 4.00
Minimum Charge		\$400.00
All terrain vehicle for poor access areas	per day	\$450.00

Drilling (cased bore hole)		
Depth Range	Unit Charges	
Feet	Easy Drilling	Hard Drilling*
0 - 50	\$ 8.00	\$11.00
50 - 100	\$11.00	\$13.00

* 50 blows or more per foot, 5 tsf Qu or more, heaving sands

Field Services		
	Unit Rate	Cost
Soil Sampling using either split-barrel sampler (ASTM D-1586) or undisturbed tube (ASTM D-1387)	each	\$ 13.50
Rock Coring - \$50.00 set up per hole plus	per foot	\$ 26.00
Auger boring in uncased bore hole	per foot	\$ 7.00
Cost of special equipment or permits for moving drilling equipment about the site	Cost plus	20%
Set-up time per hole in excess of 1/2 hr. or stand-by time	per hour	\$125.00
Thin wall tubes - 3 inch	each	\$ 50.00
2" monitoring wells (complete)	per foot	\$ 20.50
Per diem (2 man crew)	per day	\$ 90.00

Laboratory Testing Services		
	Unit Rate	Cost
Unconfined compression test, without stress strain curve	per test	\$ 11.00
Hand penetrometer test	per test	\$ 8.50
Density determination	per test	\$ 11.00
Moisture content test	per test	\$ 8.50
Grain size analysis mechanical and hydrometer	per test	\$ 52.00
Atterberg Limit Determination	per test	\$ 44.00
Preparation of undisturbed sample for laboratory testing	per tube	\$ 14.00
Consolidation test	per test	\$350.00
Unconfined compression test with stress strain curve	per test	\$ 50.00
Moisture density relationship of soils		
ASTM D-698 (standard)	per test	\$150.00
ASTM D-1557 (modified)	per test	\$180.00
CBR test	each point	\$100.00
Triaxial testing		
Unconsolidated, undrained	each point	\$200.00
Consolidated, undrained	each point	\$250.00
Consolidated, drained	each point	\$350.00
Pore pressure measurements	each point	\$150.00
Permeability test		
Undisturbed sample	per test	\$200.00
Remolded sample	per test	\$225.00
pH test	per test	\$ 21.00
Water quality	per test	\$210.00
EP toxicity	per test	\$425.00

Additional laboratory testing fees available upon request.